REMARKS

This application has been reviewed in light of the Office Action dated May 17, 2005. Claims 1-13, 19-26, 28-31, 33, and 34 are presented for examination, of which Claims 1, 4, 19, 23, 25, 26, 28-31, 33, and 34 are in independent form. Claims 14-18, 27, and 32 have been withdrawn from consideration. Claims 1, 4, 19, 25, 26, 28, 30, 31, and 33 have been amended to define Applicants' invention more clearly. Support for the amendments can be found, for example, on page 6, line 8 ("based on information provided with images") and page 8, lines 22-30 ("meta-data included with the digital images..."). Favorable reconsideration is respectfully requested.

Claims 1-13, 19-22, 25, 26, 28, 30, 31 and 33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended Claims 1-13, 19-22, 25, 26, 28, 30, 31 and 33, as deemed necessary, to ensure that these claims conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 5 of the Office Action. Specifically, the amendments to the claims clarify that the associated information or associated meta-data are received with the images (e.g., Claims 1 and 4) or the received text (e.g., Claim 19). It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

Claims 19-22, 28 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,499,366 (*Rosenberg et al.*). Claims 1-13, 25, 26, 30 and 31 were rejected under § 103(a) as being unpatentable over *Rosenberg et al.* in view of U.S. Patent No. 6,324,545 (*Morag*). Claims 23, 29 and 34 were rejected under § 103(a) as being unpatentable over *Rosenberg et al.* in view of U.S. Patent No. 5,787,254 (*Maddalozzo, Jr. et al.*).

Claim 24 was rejected under § 103(a) as being unpatentable over *Rosenberg et al.* in view of *Maddalozzo, Jr. et al.*, and further in view of *Morag.* Claims 1-10, 12, 13, 25, 26, 30 and 31 were rejected under § 103(a) as being unpatentable over *Rosenberg et al.* in view of U.S. Patent No. 5,493,677 (*Balogh et al.*). Claim 11 was rejected under § 103(a) as being unpatentable over *Rosenberg et al.* in view of *Balogh et al.*, and further in view of *Morag.*

Claim 19 is directed to a method of automatically selecting a font from a collection of fonts for use in one or more texts. The method comprising the steps of receiving the one or more texts and information associated with the one or more texts; automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more texts; and setting the font of the one or more texts to one of the selected one or more fonts.

Among the notable features of Claim 19 are the steps of receiving the one or more texts and information associated with the one or more texts, and automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more texts.

Rosenberg et al. describes an expert system for suggesting and providing graphic design selections based on a user's desired result. The expert system provides a plurality of descriptors to define the characteristics of an output page or document. A user can "scale" or "weight" the descriptors, as desired, and the expert system utilizes the weighted descriptors to select a number of solutions from a predefined database of possible solutions (*see* Abstract).

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The Office Action asserts that *Rosenberg et al.* teaches "receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document[.]" *See* page 3 of Office Action.

However, according to Applicants' understanding, *Rosenberg et al.* discloses that the scale keywords and rejection constraints are simply inputs to advisor modules that execute the methods of *Rosenberg et al.*, and are not associated with a document to which the graphic design solutions are applied. That is, the scale keywords and rejection constraints do not constitute information associated with one or more texts.

Column 7, lines 45-67 of *Rosenberg et al.* discloses that the expert system is used to identify solutions for master page layouts. It is well known in the art that "master pages" are templates that may be used to determine the overall look of documents to which the templates are applied. In *Rosenberg et al.*, the master pages are set up without reference to any particular document. Moreover, in Fig. 7, *Rosenberg et al.* shows how a user selects an advisor module (step 702) and inputs various criteria (steps 704 and 705). The user activates the advise button (step 706), and the advisor displays sample objects or a list of object names (708). This process is used to set up a design template. Only later (step 712), is the selected recommendation applied to the presentation or chart.

Accordingly, *Rosenberg et al.* is not seen to teach or suggest the steps of receiving one or more texts and information associated with the one or more texts, and automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more texts. As such, Claim 19 is patentable over *Rosenberg et al.*

Additionally, page 4 of the Office Action asserts that *Rosenberg et al.* teaches "automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more texts[.]"

Applicants have reviewed column 11, lines 39-57 and Fig. 4 of *Rosenberg et al.*, and understand *Rosenberg et al.* to disclose that the search is based on <u>inputs provided by the user</u>. Applicants' understanding is further supported by Fig. 4, which shows that the user may ask for suggested fonts to use in headline text. The user makes a selection on scales 401A-401C and indicates the intended use of the font using selection boxes 402 (in Fig. 4, the user has selected "Headline" text). When the user activates the "advise" button 405, a search is initiated and potential fonts are identified in region 403. A sample is displayed of the font that has been highlighted in region 403. Alternatively, the user is directed to hard copy examples of font solutions.

Contrary to the Office Action's assertion, Applicants have not found column 11, lines 39-57 and Fig. 4 of *Rosenberg et al.* to provide any teaching, let alone any mention that the search is based on information received with the text, as provided in accordance with Claim 19 of the present invention.

Applicants note that the search procedure of *Rosenberg et al.* relates more broadly to setting up general design templates. Thus, if the design template is applied to a document that does not have a headline, the selected headline font will simply not be used. This is further evidence that the search procedure of *Rosenberg et al.* is not based on the information associated with a particular document.

Rosenberg et al. makes the user responsible for the graphic design selection. Notably, page 2, lines 7-11 of the present application, states that "[t]raditionally, the style of the caption, including the font, colour, size etc, is decided on by the person authoring the page. In a system where images are automatically added, the user may find the style of the captions is generic and plain, and perhaps is not appropriate for the images displayed. For the user to alter the style of each caption can be time consuming and, in some cases, a complex task." According to Applicants' view, this is similar to the *Rosenberg et al.* teachings.

On the other hand, Claim 19 of the present invention, combines text with associated information, allowing the automatic selection of an appropriate font without the user having to make design choices.

For at least the foregoing reasons, Claim 19 is not anticipated by *Rosenberg et al.* because the above-emphasized features of the claim are not seen to be taught or suggested by that reference.

Claims 28 and 33 are, respectively, an apparatus claim and a computer program product claim corresponding to the method of Claim 19. Claims 28 and 33 include features that are very similar to the features discussed above for Claim 19. Therefore, those claims also are believed to be patentable over *Rosenberg et al.* for at least the same reasons as discussed above.

The claim rejections based upon section 103(a) will now be discussed.

Claim 1 is directed to a method of automatically selecting a font from a collection of fonts for use in one or more captions associated with one or more images. The method comprising the steps of receiving the one or more images and information associated with the one or more images; automatically selecting one or more fonts from the collection of fonts, based

on the associated information received with the one or more images; and setting the font of the one or more captions to one of the selected one or more fonts.

Claim 1 has features very similar to those of Claim 19, except that Claim 1 relates to images rather than text.

Accordingly, Claim 1 is believed to be patentable over *Rosenberg et al.* for substantially the same reasons as those discussed above for Claim 19.

Morag describes a method of generating a photographic photo album. A customer acquires digital images and transmits the images to a service provider. The service provider arranges the images into an album format, prints out the images, assembles the album and mails the album to the customer. The user may provide instructions for the service provider to use in making the album arrangement. The instructions provided by the user may specify a font for use in labeling. However, *Morag* is not seen to teach or suggest automatically selecting one or more fonts from a collection of fonts.

As such, *Morag* does not remedy the deficiencies of *Rosenberg et al.* as a reference against Claim 1.

Applicants therefore respectfully submit that *Rosenberg et al.*, *Morag*, or any permissible combination thereof, assuming such a combination would even be permissible, does not teach or suggest the step of automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more images, as set forth in Claim 1. Therefore, Claim 1 is patentable over *Rosenberg et al.* and *Morag*, whether taken separately or in combination.

Claims 25 and 30 are, respectively, an apparatus and computer program product claim corresponding to the method of Claim 1. Claims 25 and 30 include features that are very similar to the features discussed above for Claim 1. For at least the reasons discussed above, Claims 25 and 30 are patentable over *Rosenberg et al.* and *Morag*, whether taken separately or in combination.

Claim 4 relates to a method of automatically selecting a font from a collection of fonts for use in one or more captions associated with one or more images. The method receives one or more images and meta-data associated with the one or more images. The method analyzes the meta-data received from one or more images to determine a key feature amongst the meta-data. Then, a library of fonts is searched, each font having a set of one or more associated key features, and the method automatically selects one or more fonts from the font library having an associated key feature best matching the determined key feature. Finally, a font of the one or more captions is set to one of the selected one or more fonts.

Rosenberg et al., discussed above, is not seen to teach or suggest the steps of receiving one or more images and associated meta-data, and analyzing the meta-data received with the images to determine a key feature amongst the meta-data, as set forth in Claim 4.

Morag, discussed above, does not remedy the deficiencies of *Rosenberg et al.* That is, *Morag* also does not teach or suggest receiving one or more images and associated meta-data, and analyzing the meta-data received with the images to determine a key feature amongst the meta-data, as set forth in Claim 4.

Therefore, Claim 4 is patentable over *Rosenberg et al.* and *Morag*, whether taken separately or in any permissible combination.

Claims 26 and 31 are, respectively, an apparatus claim and computer program product claim that correspond to Claim 4. Claims 26 and 31 include features that are very similar to the features discussed above for Claim 4. For at least the reasons discussed above, Claims 28 and 33 are patentable over *Rosenberg et al.* and *Morag*, whether taken separately or in combination.

Claim 23 relates to a method of automatically selecting a font from a collection of fonts for use in one or more hyperlink texts, wherein the one or more texts are in an initial font. The method locates the one or more hyperlink texts, wherein the one or more hyperlink texts have associated information. The method then automatically selects one font from the collection of fonts, based on the associated information of one or more hyperlink texts and replaces the initial font of the one or more hyperlink texts with the selected font.

Rosenberg et al., discussed above, is not seen to teach or suggest the steps of locating one or more hyperlink texts, wherein the one or more hyperlink texts have associated information, and automatically selecting one font from the collection of fonts, based on the associated information of one or more hyperlink texts and replacing the initial font of the one or more hyperlink texts with the selected font, as set forth in Claim 23.

According to Applicants' understanding, *Maddalozzo, Jr. et al.* describes a system for a Web browser having as an object the provision of an improved information retrieval method. A client has an interface for displaying the first hypertext document with one or more hypertext links to a second hypertext document located at a server. The method of *Maddalozzo, Jr. et al.* tags latency and time period metrics with a URL address link. The latency and time period metrics are provided to a user, providing the user with an estimation of the length of time

to access a server. With such information available, the user can make a decision whether to continue invoking a particular link or to terminate the linking process. The latency time display can be implemented by highlighting, coloring or changing the font of the link text.

However, *Maddalozzo, Jr. et al.* is not seen to overcome the deficiencies of *Rosenberg et al.*, since *Maddalozzo, Jr. et al.* does not teach or suggest locating one or more hyperlink texts, wherein the one or more hyperlink texts have associated information, and automatically selecting one font from the collection of fonts, based on the associated information of one or more hyperlink texts and replacing the initial font of the one or more hyperlink texts with the selected font.

Therefore, Claim 23 is patentable over *Rosenberg et al.* and *Maddalozzo, Jr. et al.*, whether taken separately or in any permissible combination.

Claims 29 and 34 are, respectively, an apparatus claim and computer program product claim that correspond to Claim 23. Claims 29 and 34 include features that are very similar to the features discussed above for Claim 23. For at least the reasons discussed above, Claims 29 and 34 are patentable over *Rosenberg et al.* and *Maddalozzo, Jr. et al.*, whether taken separately or in combination.

Regarding the rejections of various independent claims over *Rosenberg et al.* in view of *Balogh et al.*, the deficiencies of *Rosenberg et al.* against Claims 1, 4, 25, 26, 30 and 31 were described above.

In *Balogh et al.*, digitized images are associated with English language captions and other data collectively known as the meta-data associated with the images. A natural language processing database removes ambiguities from the meta-data, and the images and the

meta-data are stored in databases. A user formulates a search query, and natural language processing is used to determine matches between the query and the stored meta-data. Images corresponding to the matches are then viewed, and desired images are selected for licensing. The license terms for selecting images are displayed, and a subset of the selected images is ordered as desired by the user (see Abstract).

Applicants' understand *Balogh et al.* to disclose "natural language" archiving and image retrieval. *Balogh et al.* receives images and meta-data and converts the meta-data into natural language so as to provide keywords for searching the images. This enables a user to construct a query, using the natural language processing feature, to find and retrieve the image.

However, *Balogh et al.* does not teach or suggest receiving images and associated information, and then automatically selecting fonts from a collection of fonts, based on the associated information received with the images, as set forth in Claim 1, or text, as set forth in Claim 19, or hyperlink texts, as set forth in Claim 23.

As such, *Balogh et al.* does not remedy the deficiencies of *Rosenberg et al.*

Therefore, independent Claims 1, 4, 25, 26, 30, and 31 are believed patentable over *Rosenberg et al.* and *Balogh et al.*, whether taken separately or in combination.

Moreover, on pages 16 and 17, the Office Action asserts that the expert system for graphic design in *Rosenberg et al.* may be used to vary the formatting and presentation of the caption text in *Balogh et al.* However, column 3, lines 54-60 of *Balogh et al.* teaches that "if the style of captions is standardized, the location of information within a caption may even provide useful information. If, for example, the most important descriptive information is consistently

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placed in the first sentence of a caption, that information can be weighted more heavily in making decisions about the relevant "closeness" of a query to the caption."

Notably, the advisory expert system of *Rosenberg et al.* allows a user to vary the design selection by specifying page layouts (see Fig. 3), fonts (see Fig. 4), and colors (see Fig. 5). In Applicants' opinion, this is contrary to the standardized caption presentation of *Balogh et al.* Thus, Applicants' respectfully submit that *Balogh et al.* teaches away from a system permitting the design selection to be varied according to a user's specification, e.g., the advisory expert system of *Rosenberg et al.*, and thus there would have been no motivation, let alone an expectation of success, for one skilled in the art to combine *Rosenberg et al.* and *Balogh et al.* in the manner set forth in the Office Action.

For at least the foregoing reasons, it is submitted that independent Claims 1, 4, 25, 26, 30, and 31 are patentable over *Rosenberg et al.* and *Balogh et al.*, whether taken separately or in combination.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims discussed herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

CONCLUSION

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

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